



United States Department of Agriculture

Food Safety and
Inspection Service

1400 Independence
Avenue, SW.
Washington, D.C.
20250

MAR 19 2018

Deborah Berkowitz
Senior Fellow
National Employment Law Project
2040 S Street, NW, Lower Level
Washington, D.C. 20009

RE: FOIA-2018-00227

Dear Ms. Berkowitz:

This letter acknowledges receipt of your Freedom of Information Act (FOIA) request to the Department of Agriculture's (USDA) Food Safety and Inspection Service (FSIS) dated March 6, 2018 in which you requested a copy of records regarding Modernization of Swine Slaughter Inspection, from 2002 to 2010. FSIS received your request on March 6, 2018, and assigned tracking number FOIA-2018-00227. Please reference this number in any future communications with this office with regard to your request.

In addition to your request for records, you asked that we expedite the processing of your request. Pursuant to the FOIA, 5 USC 552(a)(6)(A)(i), USDA's FSIS has twenty (20) working days upon receipt of a request to make a determination. FSIS processes FOIA requests on a "first-in/first-out" basis. However, the actual processing time will depend upon the complexity of your request, as well as whether or not it involves sensitive or voluminous records, or extensive searches, and/or multiple consultations both within and outside of the Agency. FSIS also processes requests on a multi-track basis. This means that simple requests, requiring minimal effort to respond (e.g., 1-5 workdays) are processed in one track; normal requests requiring more time to respond (e.g., 6-20 workdays) are processed in another track; and complex requests involving voluminous records, extensive searches or consultations (requiring more than 20 workdays to respond) are processed in yet another track. We have placed your request in the complex track.

In unusual circumstances, such as an agency's backlog or the need to examine a voluminous amount of records required by the request, or the need to consult with another agency, FSIS can extend the 20-day time limit for processing a request. Requests and appeals will be taken out of order and given expedited treatment whenever it is determined that they involve either of the following:

1. Circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual.
2. An urgency to inform the public concerning actual or alleged federal government activity with respect to a request made by a person primarily engaged in disseminating information, such as representation of the news media or other requesters who demonstrate that their primary activity involves publishing or disseminating information to the public as a whole.

Please be advised that your request for expedited processing does not sufficiently meet all of the criteria under the FOIA and the applicable regulations. To the extent that it can be determined, your request did not specifically address or establish an imminent threat to the life or physical safety of an individual nor a particular urgency to inform the public beyond the public's right to know about government activity generally. Therefore, your request for expedited processing has been denied.

In addition to your request for records, you asked that we waive all fees associated with processing your request.

The USDA's FOIA Regulations, 7 CFR, Part 1, Subpart A, Appendix A, sets forth six factors to examine in determining whether the applicable legal standard for a fee waiver has been met. We will consider these factors in our evaluation of your request for a fee waiver:

1. Whether the subject of the requested records concerns "the operations or activities of the government."
2. Whether the disclosure is "likely to contribute" to an understanding of government operations or activities.
3. Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requester or a narrow segment of interested persons.
4. Whether the contribution to public understanding of government operations or activities will be "significant."
5. Whether the requester has a commercial interest that would be furthered by the requested disclosure.

Deborah Berkowitz
Page 3

6. Whether the magnitude of any identified commercial interest to the requester is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requester.

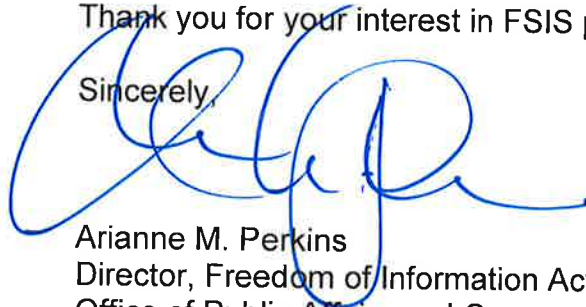
As a requester, you bear the burden under the FOIA of showing that the Fee waiver requirements have been met. Based on my review of your March 6, 2018, letter and for the reasons stated herein, I have determined that your fee waiver request does sufficiently meet all of the criteria under the FOIA and the applicable regulations. Therefore, your request for a fee waiver is approved.

We will comply with your request to the fullest extent permissible by law. Any records not subject to an exemption will be forwarded to you promptly upon completion of FSIS' search and review process or if applicable, following receipt of any fees assessed to you.

If you have any questions regarding the status of your request, please contact Anne Sylvester at (202) 205-0144, or by e-mail at Anne.Sylvester@fsis.usda.gov.

Thank you for your interest in FSIS programs and policies.

Sincerely,



Arianne M. Perkins
Director, Freedom of Information Act Staff
Office of Public Affairs and Consumer Education
Food Safety and Inspection Service

**Be Food Safe: CLEAN: Wash Hands and Surfaces Often SEPARATE: Separate Raw Meats
from Other Foods
COOK: Cook To The Right Temperature CHILL: Refrigerate Food Promptly**